Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur)*: We do not want the Government to answer unasked questions. *(Laughter)*

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ട്രാൻസ്ഫേഡ് ഡിപ്പാർട്ട്മെണ്ടിനെ സംബന്ധിക്കുന്ന ചോദ്യങ്ങളായതുകൊണ്ട് അതു് ഉത്തരം പറഞ്ഞിരുന്നു. എന്നാൽ ഇതു് റിസർവ്ഡ് ഫാഹിനെ സംബന്ധിച്ചുള്ള ചോദ്യങ്ങൾ എവിടെ വെച്ചിരിക്കുന്നുവെന്നു ഞാൻ ചോദിക്കുന്നു.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: I had sent a question regarding the scarcity of small coins six months before. It is not answered even now.

Rama Varmha Tampuran *(Secretary to Government)*: There is absolutely no difficulty to answer a question regarding the scarcity of small coins.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Why was it not answered.

Rama Varmha Tampuran *(Secretary to Government)*: I can assure the Hon'ble Member that it is not intentional, Perhaps it might have been mis-laid.

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

(1) The Cochin Registration of Literary, Scientific and Charitable Societies Act Amendment Bill —*(cont.)*

Rama Varmha Tampuran *(Secretary to Government)*: Sir, I move that the Cochin Registration of Literary, Scientific and Charitable Societies' Act (Amendment Bill) be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General)*: I second it.

Mr. A. V. Moothedan *(Chalakkudi)*: I oppose it.

Point of Order

No. 1 Right to oppose a bill at the third reading

Mr. C. V. Iyyu *(Kunnamkulam)*: Sir, on a point of Order. A bill at the third reading is not opposed and this House has never done that till now. The third reading is intended, according to the convention of this House, for some drafting amendments. The Bill cannot be opposed as a whole. I raise this point of order for the ruling of the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The hon'ble member seems to be taking a wrong view of things.

Mr. A. V. Moothedan *(Chalakkudi)*: The Bill can be thrown out at any stage. I can take advantage of that.

Mr. K. M. Ibrahim *(Cranganur)*: Regarding Mr. Iyyu's point of order I may bring to the notice of the Hon'ble House that in the Debt Concilation Act Amendment Bill even in the 3rd reading we opposed it. So the precedent he quotes is not correct.

Mr. President: The hon'ble member can oppose the motion.

Point of Order No. 2. Right of members to make speeches at third reading of bills

Mr. A. V. Moothedan *(Chalakkudi)*: Sir,.....

Rama Varmha Tampuran *(Secretary to Government)*: The Hon'ble Member cannot make a speech. In that case I must be given an opportunity to answer.

Mr. President: I do not think that a regular speech is proper.

Rama Varmha Tampuran *(Secretary to Government)*: Then it will be a regular discussion and the Government will have to answer.

Mr. President: The hon'ble member had a full opportunity to express his views at the second reading and therefore I rule that he cannot make a speech.

Mr. A. V. Moothedan *(Chalakkudi)*: I obey the Chair. But I beg to submit that we have a right to make speeches even at the third reading.

Mr. P. Kumaran Ezhuthassan *(Vadakkanaheri)*: Sir, I want a definite ruling of the Chair whether at the third reading of a bill the members have or have not a right of speech. That is the point that we like to know from the Chair. I respectfully submit that it will be an infringement of the rights of the House.

Rama Varmha Tampuran *(Secretary to Government)*; Then we must also reply if the Hon'ble Members have a right to speak.

Mr. President: It is the the convention of the house that there shall not be a discussion.

Mr. P. Kumaran Ezhuthassnn *(Vadakkancheri)*: The mere fact that no bill was hitherto opposed at the third reading does not mean that we have not the right todo that. Each bill has to be considered on its own merits.

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Mr. President: The Hon'ble Member may make a short speech.

The Cochin Registration of Literary, Scientific and Charitable Societies Act Amendment Bill—*(cont.)*

***Mr. A. V. Moothedan** *(Chalakkudi)*:* I am thankful to the Chair for allowing me to speak a few words. I am very glad that the President has been so magnanimous enough to respect the rights and privileges of the House in giving the right to speak to those who desire to speak at this stage also. It is a prerogative of the House.

Sir, I shall briefly state my points. I have got three attacks against this Bill. I may at the very outset state that there are two brother bills introduced in this Council, the Kuri Bill and this Amendment Bill. The Kuri Bill is more detrimental than this Bill and to that Bill His Highness the Maharaja was pleased not to give His Highness' assent. This Bill also ought to have been rejected.

In this Bill there are three provisions which are not at all in the interests of the public. The first is compulsory registration, the second is regarding the application to a court of law and the third is the distribution of the assets of the society when it is dissolved.

Regarding the compulsory registration provision, the Hon'ble Secretary yesterday said that the House was committed to the principle. What was the principle? Various members were making various speeches. So far as I am concerned I admit that the societies receiving aid from the Government should be subjected to some control by the Government. For that purpose this Bill is not necessary. Before you give the grant you take a kychit from the society that in case of mismanagement we will interfere. There is no necessity for a Bill. That is being done. You can say that a resolution must be passed empowering the government to interfere wherever and whenever necessary in the case of mal-administration. My Hon'ble friend, the Member for Kunnamkulam, said that there is a lot of swindling in the State. I am ashamed that the Member made such a statement in the House.

Mr. C. V. Iyyu *(Kunnamkulam)*: It is a plain fact.

Mr. A. V. Moothedan *(Chalakkudi)*: There are several joint stock companies dealing with public money in the State. They have been going on well. Some Travancore Banks have given 6 pies in the rupee. These societies are much less responsible than banks. Banks are dealing with public funds and they are the custodians of public money and they are doing the work properly. The powers given under this Act over the society are much more stringent than the banks. With regard to the banks the civil courts have no power to interfere with the internal administration unless there was injustice. In the ordinary circumstances the civil court has no power to interfere with the internal administration of the bank. On the other hand, in the case of a society the government can interfere in a large number of circumstances. Powers of interference given to the government are very large. It is not at all necessary. Then again, any member of the society can be punished. He can be hauled up before the Magistrate and punished. There is no provision even for the compounding of offences. Under the Kuries Act that offence can be compounded by the Diwan. But that provision is not here. You have to go to the Magistrate's Court. Is there so much of swindling in this State? Even in the case of that famous English case of Lord Kaishend—he published false balance sheets—he was sent to the Jail for two years' hard labour. There will be swindlers in every country. I am proud to say our people are straightforward and honest. There was a society in Cheruthuruthi and there was some trouble about that. But there is no necessity for such drastic provision for interference in the working of the society. The provision regarding compulsory registration is very hard.

I come to the second point. There is clause 6. Sir, whenever a resolution is passed, there will be difference of opinion. There will be a majority and a minority. The minority may at once rush to the Civil Court. This will endanger the smooth working of societies in the Cochin State. A society which will be working in the absence of this very smoothly and very prosperously will be hampered and it will have to be dissolved. Therefore, this interference by the Civil Court at the instance of 10 per cent of the members is a very hard provision. The working of any socieity can be ruined by this.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: Cannot the minority go to court now ?

Mr. A. V. Moothedan *(Chalakkudi)*: Yes. But the power of interference is very much restricted.

*Speech not corrected by the hon'ble member.

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Then there is clause 15 (b). Sir, this reminds me of the story of a monkey's arbitration. A monkey was asked to arbitrate for the division of a piece of bread. In the end the monkey swallowed the whole thing. In a society, if there are two factions, the whole property goes to the Government. It is exactly similar to that. These people on account of their obstinacy and contumacious character always fight and go to the Civil Court and the property goes to the Government.

For these reasons, I submit to the House that this Bill is greatly detrimental to the public interests and it is not necessary. It very much affects one of the fundamental rights of the citizen for association. The great President and Mr. Churchill have guaranteed freedom of association and freedom of speech. This Bill affects that. *(Laughter).* For these reasons, I am constrained to oppose the motion.

Mr. V. J. Mathai *(Planters):* I move that the question be now put.

Motion put and carried

Rama Varmha Tampuran *(Secretary to Government):* With regard to this motion, Sir, yesterday the whole subject was discussed threadbare and also to a very great extent at the meeting before the last, and yet at the third reading of the bill the subject is again once more brought forward for detailed consideration. The Government have no objection to that and I may just touch upon the points that the Hon'ble Member moved.

The first point that he raised was that if any association wishes to get grant from the Government then that Association may be brought under the control of the Government and any restrictions the Government may want with regard to that association, this council has no objection to. On that point the Government have no difference of view at all with the hon'ble member. Before giving the grant the Government can stipulate their conditions. And no Bill is required for that purpose. No Government will be foolish enough to bring any Bill just to say that the Government should retain powers to control that association which is asking for a grant. Every Government will see that if an association deserves grant it will also be subjected to the restrictions that the Government imposes. For that purpose no Blll is required and it is not for that purpose that this Bill is introduced.

The second point raised is that Banks are working and even with regard to these Banks while this Bill does not apply, why should the small Associations be brought under it ? Sir, there is a more rigorous law with regard to the Banks. There is the Company law. The Company law was amended with very great rigour only about half a dozen years ago by the Central Assembly, and the amendments have been made applicable here. Therefore, there need not be any fear that any Bank which has recourse to mal-practices will go scot-free at the hands of the Government or at the hands of the Judiciary. There is a very stringent law and it is because the Government does not wish to bring associations started for charitable purposes under the provisions of the Company law that we have introduced a much more lenient measure like this. Hon'ble Members should not go away with the impression that Banks can go scot-free and they can do things as they like and that only small associations are brought under control. And, it is because these are small cl aritable associations that Government are bringing in a Bill which is much more lenient and, in which the control is so to say, only nominal.

Then another point that the Hon'ble Member touched was with regard to clause (6) of the Amendment Bill. Well, with regard to that as pointed out by the Hon'ble Member here, the Courts have got the power even to investigate and rectify society's working if a minority or if a few members of a society approached them under certain special conditions. That is nothing very revolutionary and it is only a similar provision in other guise that is brought under clause 6. Such provision exists elsewhere. All trusts are subject to restrictionss at the hands of the Government and the Courts have power to enquire into and rectify mistake if any in the administration of the trust. Similarly under charitable in stitutions also, Government have got the power to investigate and rectify.

Mr. A. B. Salem *(Mattancheri):* Is there any such enactment in Bitish India ?

Rama Varmha Tampuran *(Secretary to Government):* I am trying to restrict my speech as much as possible to the points that were raised by the Hon'ble Membe, so that I may not once again overlap. With regard to clause 15 (b) of the Amendment Bill, the Hon'ble Member was saying that if any society is going to be dissolved, Government are going to swallow the money. A grosser mistake could not have been pronounced on the floor of this House. And, I am really sorry that such a statement came from the hon'ble member. I will read the section.—

15-B. "When a Society is dissolved under section 15-A, the Court may, if Government

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are willing to accept the management of the Society, order that such management shall be handed over to Government or that any surplus assets remaining after the satisfaction of the debts and liabilities of the Society may be given to some society registered under this Act, which has for its object, the furtherance of aims similar as near as may be, to the objects of the dissolved Society".

It is open to the Government to say that we don't want the management of the society. Only if there is no other society which has got objects similar to the one which is being dissolved will Government, if they are willing at all, say that they will take over and even then it is open to the Court to say whether they will give the society to Government or not. There is no idea of Government running about and grabbing the assets of all societies and enrich themselves.

These are the four points which the hon'ble member mentioned in this House and I have touched all these points as succinctly as possible.

Mr. President: The question before the House is the Registration of Literary, Scientific, and Charitable Societies' Act (Amendment) Bill be taken up and finally passed. Those who are for the motion will stand up in their seats.

Ayes

(1) Mr. V. J. Mathai.
(2) Mr. V. K. Bhaskara Menon.
(3) Mr. V. N. Damodaran Nambiar.
(4) Mr. T. S. Ramachandra Ayyar.
(5) Mr. K. Kunhirama Menon.
(6) Mr. C. K. Nayar.
(7) Mr. C. V. Iyyu.
(8) Mr. M. Krishna Menon.
(9) Mr. K. M. Ibrahim.
(10) Mr. K. Ashtamoorthi Namboodiripad.
(11) Mr. C. Ittiravi Namboodiripad.
(12) Mr. V. K. Kutty.
(13) Mr. A. Madhava Prabhu.
(14) Rama Varmha Tampuran.
(15) Mr. C. J. Mathew.
(16) Mr. M. Sivarama Menon.
(17) Mr. M. M. Paul.
(18) Mr. S. Venktieswaran.
(19) Khan Sahib Y. Mohammed Roshan Sahib Bahadur.
(20) Mr. P. V. Raphael.
(21) Mr. Parambi Lonappan
(22) Rao Sahib Dr. Thariyan Verghese.
(23) Rao Sahib I. N. Menon.
(24) M. V. K. Aravindaksha Menon.

Noes

(1) Mrs. Thankamma N. Menon.
(2) Mr. Ismail Hajee Essa Sit.
(3) Mr. A. B. Salem.
(4) Mr. A. V. Moothedan.
(5) Mr. Ephraim Ouseph.
(6) Mr. K. R. Ramakrishnan.
(7) Mr. P. Kumaran Ezhuthassan.
(8) Mr. K. Narayana Menon.
(9) Mr. A. T. Kunhipalu.
(10) Mr. K. S. Panicker.
(11) Rao Sahib K. Ayyappan.
(12) Mr. T. A. Ramachandra Ayyyar.
(13) Mr. N. Govinda Pai.
(14) Mr. Shabdai S. Koder.
(15) Mr. K. T. Achyutan.
(16) Mr. P. P. Devassy.
(17) Mr. C. K. S. Moni.
(18) Mr. P. K. Krishnan.

Neutrals

(1) Mr. A. Eachara Menon.
(2) Mr. M. K. Devassy.
(3) Mr. A. L. Antony.
(4) Mr. C. Kunhan Namboodiripad.
(5) Mr. K. J. Thomas.

Mr. President: 24 against 18. The motion is carried.

With regard to the point of order raised by Mr. Kumaran Ezhuthassan I will give my considered ruling tomorrow.

(2) The Cochin Companies Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Companies Bill be read in Council.

Mr. C. J. Mathew *(Joint Secretary to Government):* I second it.

Secretary to the Council: The title of the Bill is "The Cochin Companies Bill".

Mr. M. Sivarama Menon *(Advocate-General):* Sir, We are now following the Indian Companies' Act *mutatis mutandis.* Along with the codification of the Cochin laws more or less on the model of the British Indian laws it is considered that we should also have a separate Companies Act, even though there are no deviations from the Indian law on the point. The idea is to have a complete and separate Statute Book of our own. In drafting this Bill care has been taken to see that no deviations are made from the Indian law because it is highly desirable

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